



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4679-99
26 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 1 July 1997 at age 19. On 12 December 1997 you were diagnosed with an antisocial personality disorder. Since you were considered at risk to harm yourself or others, you were recommended for an immediate administrative discharge. The information you provided the psychiatrist at that time is set forth in the history portion of the evaluation. You stated, in part, as follows:

... was seriously contemplating suicide with a plan of "using a gun" to kill himself. He described a longstanding history of violence and involvement in unlawful behaviors beginning as early as the age of 14. He performed acts that were ground for arrest, but was "lucky" and did not get caught. He described behaviors of deceitfulness to con others for personal gain, fails to plan ahead, is irritable, aggressive, and has repeatedly gotten into physical fights starting since he was 13. He tends to be irresponsible, has difficulty sustaining consistent work, and lacks remorse or rationalizes after having hurt mistreated or stolen from someone. He denied having any gang

involvement but reported that he carried a knife with him, when he was younger, for protection. He has deliberately destroyed others' property, and was suspended from school for fighting. He admitted to behaviors of setting fire to other's personal belongings, stealing, and cruelty to animals, when he was younger.

Based on the diagnosed antisocial personality disorder, you were processed for an administrative discharge. In connection with this processing, you elected to waive your procedural rights. On 24 March 1998, the commanding officer noted your admission of illegal use of drugs and underage drinking while you were on active duty and recommended a general discharge. On 3 April 1998 the discharge approved the recommendation of your commanding officer and directed a general discharge. You were so discharged on 22 April 1998. At that time, you were assigned an RE-3P reenlistment code.

The Board is aware that regulations allow for the assignment of an RE-3P or an RE-4 reenlistment code when an individual is discharged due to a diagnosed personality disorder. An RE-3P reenlistment code may be waived if you can convince recruiting authorities that the personality disorder diagnosis was in error or is no longer a factor. An RE-4 reenlistment code means that you are not recommended for reenlistment.

You state in your application that you desire a change in the reenlistment code so that you can enlist in the Marine Corps Reserve. In support of this request you have submitted a letter from a psychiatrist. He states that he believes that you are free of depression, suicidal ideas, thought disorders or serious mental illness. He believes that to a reasonable degree of medical certainty, you would do well in the military.

In reaching its decision, the Board noted that there is no evidence that your psychiatrist reviewed the evaluation done while you were in the Marine Corps or that he conducted any psychiatric testing to establish that the diagnosis of antisocial personality disorder was in erroneous. The Board believed the finding that you were a danger to yourself or others would have been sufficient to support the assignment of an RE-4 reenlistment code. Since you have been assigned the least restrictive reenlistment code authorized by regulations, the Board could not find an error or injustice in the assignment of the RE-3P reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You may submit a request to recharacterize your general discharge

to honorable by completing the enclosed application, DD Form 293, and submitting it to the Naval Discharge Review Board.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure